
(Name)

(Mailing Address)

(City, State, Zip Code)

(Phone Number)

(Email Address)

IN THE JUSTICE COURT OF RECORD OF MISSOULA COUNTY, MONTANA

<p>_____ Plaintiff(s), -vs- _____ Defendant(s).</p>	<p>Case No.: _____ Hon. _____ CIVIL COMPLAINT</p>
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I am the Plaintiff in this case. **(Select A or B below):**

A. ☐ The Defendant(s) and I had a contract *(for any claim except an eviction)*. The contract was:

☐ In writing, dated _____.

☐ An oral or handshake agreement that we reached on or about (date):

_____.

☐ Per the contract I agreed to _____

☐ Per the contract, the Defendant agreed to _____

☐ I am suing the Defendant because they: _____

OR

- B.** ☐ The Defendant and I DID NOT have a contract. The Defendant did the following:

**Please attach additional pages if more space is needed*

I am asserting that because of A or B, I was damaged.

DAMAGES: (Select all that apply)

1. ☐ Paying someone else to do the work Defendant(s) was to do in the amount of \$ _____
2. ☐ Replacement of my property in the amount of \$ _____
3. ☐ Medical damages in the amount of \$ _____
4. ☐ Other damages **(Describe)**: _____

_____ in the amount of \$ _____

REQUEST FOR RELIEF

I respectfully ask the court to:

1. Award me damages as set forth above; and
2. Award other proper relief, including court costs and interest.

Dated this _____ day of _____, 20____.

Plaintiff Signature

Print Name: _____

Is Your Complaint Ready to File?

1. ☐ Complete your name and contact information in the top left corner of page 1.
2. ☐ Enter your name (and any other co-filers) on the "Plaintiff" line in the caption.
3. ☐ Enter the person(s) name(s) who you are suing on the "Defendant" line in the caption
4. ☐ Leave the Case Number and Judge lines blank in the caption for the Clerk to complete.
5. ☐ Select whether you do or do not have a contract and provide the requested details of your complaint.
6. ☐ Attach copies of any contracts or photos referenced in the Complaint when you file with the Clerk.
7. ☐ Under the "Damages" section enter the amount of money or relief you are asking the court to award you.
8. ☐ Enter the date that you are signing this complaint.
9. ☐ Sign on the "Signature" line
10. ☐ Print your name on the "Print Name" line.
11. ☐ Make copies of the complaint and any notices included. You must provide the clerk with the original and at least two additional copies of the complaint. (Original for court file, one copy for each defendant and one copy for your records.
12. ☐ Take your originals and copies of the Complaint and Summons to the Justice Court Civil Clerk with your \$50.00 filing fee. The clerk will file-stamp and separate your paperwork into "sets" for you to provide to a Process Server for Service on the Defendant.

Instructions for Completing, Filing and Serving a Civil Action

The Summons:

Step 1. Enter your information in the top left corner.

Step 2. Enter your name(s) on the line designated for "Plaintiff."

Step 3. Enter the name(s) and address of the person(s) you are suing on the lines designated for "Defendant(s)" and "Address." Do not complete anything further on this form.

Step 4. Make Copies of the summons. You must provide the Clerk with enough copies. If the Clerk must make copies for you, you will be charged a copy fee. You need the original and at least three (3) copies of the summons.

- Original Summons for service
- On copy for the Court's file
- One copy for your records
- One copy for each Defendant

Step 5. Bring to the Civil Clerks Office when you file your Civil Complaint.

The Complaint:

Step 1. Complete your name and contact information in the top left corner of page 1.

Step 2. Enter your name (and any other co-filers) on the "Plaintiff" line in the caption.

Step 3. Enter the person(s) name(s) who you are suing on the "Defendant" line in the caption

Step 4. Leave the Case Number and Judge lines blank in the caption for the Clerk to complete.

Step 5. Select whether you do or do not have a contract and provide the requested details of your complaint.

Step 6. Attach copies of any contracts or photos referenced in the Complaint when you file with the Clerk.

Step 7. Under the "Damages" section enter the amount of money or relief you are asking the court to award you.

Step 8. Enter the date that you are signing this complaint.

Step 9. Sign on the "Signature" line

Step 10. Print your name on the "Print Name" line.

Step 11. Make copies of the complaint and any notices included. You must provide the clerk with the original and at least two additional copies of the complaint. (Original for court file, one copy for each defendant and one copy for your records.

Step 12. Take your originals and copies of the Complaint and Summons to the Justice Court Civil Clerk with your \$50.00 filing fee. The clerk will file-stamp and separate your paperwork into "sets" for you to provide to a Process Server for Service on the Defendant.

Service of Process:

Service of Process: It is best to know who you will utilize for service of process before you file your paperwork. Click the link in Step 1 for a list of licensed process-servers. Depending on who you use, you may need to bring a check for service with you. The Civil Office has a mailbox that you may drop your filed paperwork into for the process-server to pick up.

Step 1. Take the appropriate set of papers to the Civil Sheriff's Office, a licensed process-server or a disinterested third party for service. The Civil Sheriff's Office is located on the first floor of the original section of the courthouse at the west entrance. A list of private process servers is available [here](#). Whoever you choose to serve your paperwork, you are responsible for making sure the original summons and affidavit of service are returned and filed with the court.

Step 2. Depending on the type of case you've filed, the defendant(s) will have either five (5) business days OR twenty (20) calendar days to file an answer with the court and serve you with a copy of their answer via United States Postal Service. Check your copy of the summons to see which time limit applies. "Day one" is the first day after service.

An answer to your complaint must be filed by the close of business on the 5th business day for Landlord Tenant Possession cases or 20th calendar day for all other Civil Cases (check your summons to see which time limit applies to your case) after service. If an answer is not filed, you may file a motion for default judgment. If an answer is filed and you are not satisfied, you may motion the court for further hearings. If an answer is filed and you feel you can settle your case without further litigation, you may file a motion to dismiss the case. If you have questions on how to proceed with your case you should consult with an attorney. **The Clerks CANNOT offer or give you legal advice.**

ANYONE WHO REQUIRES AN AUXILIARY AID OR SERVICE FOR EFFECTIVE COMMUNICATION, OR A MODIFICATION OF POLICIES OR PROCEDURES TO PARTICIPATE IN A COUNTY PROGRAM, SERVICE OR ACTIVITY, SHOULD CONTACT JUSTICE COURT AT 406-258-3470, AS SOON AS POSSIBLE, BUT NO LATER THAN 48 HOURS BEFORE THE SCHEDULED EVENT.